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EXAMINER

STRODER, CARRIE A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/710,626	Applicant(s) RETZBACH ET AL.	
	Examiner CARRIE A. STRODER	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-24 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on 10 September 2010, wherein:

Claims 1-13, 15-24, and 26-29 are currently pending;

Claims 14 and 25 are cancelled; and

claims 1, 26, and 28 are currently amended.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 28-29 are rejected under 35 U.S.C. 112, first paragraph**, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 28 invokes 35 USC 112 when stating, "means for". However, the specification does not describe adequate structure for performing the recited function.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 28-29 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no structure described in the specification which corresponds to the claim limitations, "means for receiving," "means for storing," and "means for integrating". If there is no disclosure of structure, material or acts for performing the recited function, the claim fails to satisfy the requirements of 35 U.S.C. 112, second paragraph. MPEP 2181.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 1-13, 15-19, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 20020024537), in view of Anderson et al. (US 20020091706).**

Referring to claim 1:

Jones discloses

receiving one or more customer vehicle attributes from two or more computer systems selected from the group consisting of: a service appointment system, a dealer management system, a marketing offer system, an accessory system, a vehicle inspection system, a follow-up system, and a concern resolution system (paragraphs 3-4; "an integrated software application architecture with all functions required by an automobile dealership, including sales, F&I (finance and insurance), accounting, HR (Human Resources)/payroll, parts, service, and E.sup.2 core (including functions in customer management, vehicle management, activity/processors, roles, user/departments, security, user interface, reports, printing, and instant messaging), together with e-business enablers, supply chain integration, and a dealer communication system");

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storing the one or more customer vehicle attributes into a data warehouse (paragraph 64; "The mobile unit preferably includes means to pass information to the central database so that the vehicle is entered into the system after it is scanned");

integrating the one or more customer vehicle attributes on a VIN-specific level across the two or more computer systems to obtain one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle"); and

facilitating management of a relationship between a customer and a service or product provider based on the one or more VIN-specific customer vehicle attributes, wherein one of the two or more computer systems is the marketing offer system, and further comprising the marketing offer system generating and transmitting materials based on the one or more VIN-specific customer vehicle attributes (paragraphs 44, 54, and 64; "These

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units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle" and "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners..." and "The vehicle information preferably contains information such as the make and date, model, vehicle identification number, license number, mileage and other information as necessary.").

Jones discloses a system for managing all functions required by an automobile dealership, including servicing and managing vehicles. Jones does not disclose where the materials are customization offers regarding customer vehicle personalization and vehicle accessories.

Anderson teaches a similar system for managing vehicle history and personalization. Anderson teaches where the materials are customization offers regarding customer vehicle personalization and vehicle accessories (paragraph 35; "Vehicle interior products link 610 may provide access to vehicle

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interior product, including but not limited to, the vehicles original equipment, original equipment options, accessories, etc. A vehicle exterior products link 620 is provided to access vehicle exterior products.”)

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Jones to incorporate discloses where the materials are customization offers regarding customer vehicle personalization and vehicle accessories as taught by Anderson because this would provide a manner for providing customized offers specific to the client’s vehicle, thus aiding the client by only providing the client with parts appropriate for the client’s vehicle.

Referring to claims 2, 27, & 29:

Jones discloses wherein the relationship is an after vehicle sales delivery relationship (paragraph 3; where service takes place after vehicle sales delivery).

Referring to claim 3:

Jones discloses wherein the one or more customer vehicle attributes are selected from the group consisting of: basic core customer data, vehicle data, financial data, service history data, accessory purchase history data, demographic data, attitudinal data, and loyalty data (paragraph 54; “A context

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region 424 may be included. The context region 424 includes information about an entity or a component of the task domain in which the user is working. For example, in a service application, the context region 424 may include information on the customer, vehicle, contact information, service information and other information relevant to the particular task.").

Referring to claim 4:

Jones discloses tracking the one or more VIN-specific customer vehicle attributes (paragraph 56; "For example, the "History" button would call up information on the previous work done for that particular vehicle.").

Referring to claim 5:

Jones discloses wherein the service or product provider includes a dealer and/or an original equipment manufacturer (OEM) (paragraph 3; "Therefore, it is an object of the present invention to provide an information management system for automobile dealerships that provides complete integrated functionality of all software program applications for a dealer, in an integrated single database, which covers multiple dealership locations for a single operator, and which operates on a state-of-the-art hardware and software infrastructure, including relational databases, object oriented software, browser base web APIs, and other advances.").

Referring to claim 6:

Jones discloses communicating or broadcasting a portion of the one or more VIN-specific customer vehicle attributes to the customer (paragraph 44; "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners of automobiles serviced by the dealer.").

Referring to claim 7:

Jones discloses wherein the communicating or broadcasting step is conducted by the OEM or the dealer (paragraph 44; "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners of automobiles serviced by the dealer.").

Referring to claim 8:

Jones discloses wherein the communicating or broadcasting step is conducted by the dealer (paragraphs 42-44; "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners of automobiles serviced by the dealer.").

Jones does not explicitly teach wherein the communicating or broadcasting step is conducted by the OEM. However, Jones discloses that communication occurs between dealers and

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manufacturers, or OEMs (paragraphs 42-44; "The DCS dealer communication system 395 provides communications for the present invention between the automobile dealer and the automobile manufacturers that service that dealer. The e-business enablers 380 may integrate other e-business applications either proprietary to The Reynolds & Reynolds Company or from third party vendors."

Since the OEM can communicate with the dealer, and the dealer can communicate with the customer, it would have been obvious to a person having ordinary skill in the art at the time of invention for the OEM to communicate or broadcast information directly to the customer because this allows the OEM to send out important information directly to all owners of the product, such as recall information.

Referring to claim 9:

Jones discloses generating a report based on the one or more VIN-specific customer vehicle attributes, wherein at least a portion of the report is communicated to the customer (paragraph 44; "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners of automobiles serviced by the dealer." and where a "service reminder" is interpreted as a report).

Referring to claim 10:

Jones discloses wherein the marketing offer computer system includes functionality for providing a plurality of fulfillment options (paragraph 44; "Possible future E-commerce applications 380 for various embodiments may include interface with Carpoint.com or another Internet web page that searches for cars requested and refers the user to dealers found that have the requested car." and where "dealers" indicates a plurality of fulfillment options).

Referring to claim 11:

Jones discloses formatting or packaging at least a portion of the one or more VIN-specific customer vehicle attributes prior to communicating or broadcasting the portion of the one or more VIN-specific customer vehicle attributes to the customer (paragraph 44; "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners of automobiles serviced by the dealer." and where it is implied that the attributes are formatted prior to sending a communication, such as when a service reminder is sent via post card and information such as the make, model, or mileage is listed in the appropriate place on the post card).

Referring to claim 12:

Anderson teaches wherein the data warehouse includes a mainframe computer system (paragraph 29; "mainframe").

Referring to claim 13:

Jones discloses wherein one of the two or more computer systems is the service appointment system, and further comprising the service appointment system scheduling service appointments based on the one or more VIN-specific customer vehicle attributes (paragraphs 44 & 54; "...schedules service meetings between the service center and consumers..." and "For example, in a service application, the context region 424 may include information on the customer, vehicle, contact information, service information and other information relevant to the particular task. The customer field preferably contains the customer's name, an identification number, contact information and preferred method of contact. The vehicle information preferably contains information such as the make and date, model, vehicle identification number, license number, mileage and other information as necessary.").

Referring to claim 15:

Jones discloses wherein the accessory system is capable of processing accessory purchases and installations (paragraphs 44 and 59-61 and Fig. 6(c); "...determine what new appointments may

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be made..." and where Fig. 6(c) shows accessories available for purchase).

Referring to claim 16:

Jones discloses wherein the portion of the one or more VIN-specific customer vehicle attributes is communicated through a telephone (paragraph 54; where "contact information" implies that a customer may be contacted regarding a vehicle attribute via telephone).

Referring to claim 17:

Jones discloses wherein the portion of the one or more VIN-specific customer vehicle attributes is communicated through the Internet (paragraph 44; "...schedules service meetings between the service center and customers over the Internet.").

Referring to claim 18:

Jones discloses wherein the portion of the one or more VIN-specific customer vehicle attributes is communicated through an e-mail via the Internet (paragraph 68; "This last option may also be used to trigger an automatic e-mail message directly to a customer...").

Referring to claim 19:

Jones discloses wherein the one or more VIN-specific customer vehicle attributes is used to facilitate marketing of one or more events (paragraphs 3-4, & 33; "The present invention

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provides, an integrated software application architecture with all functions required by an automobile dealership, including sales..." and "The SQL server returns the requested data objects which are used by the application services tier" and where it is implied that a sales department markets events using the data of the invention).

Referring to claim 26:

Jones discloses

two or more computer systems selected from the group consisting of: a service appointment system, a dealer management system, a marketing offer system, an accessory system, a vehicle inspection system, a follow-up system, and a concern resolution system, wherein the two or more computer systems are capable of storing and transmitting one or more customer vehicle attributes (paragraphs 3-4; "an integrated software application architecture with all functions required by an automobile dealership, including sales, F&I (finance and insurance), accounting, HR (Human Resources)/payroll, parts, service, and E.sup.2 core (including functions in customer management, vehicle management, activity/processors, roles, user/departments, security, user interface, reports, printing, and instant messaging), together with e-business enablers, supply chain integration, and a dealer communication system");

a data warehouse coupled to the two or more computer systems for storing the one or more customer vehicle attributes (paragraph 64; "The mobile unit preferably includes means to pass information to the central database so that the vehicle is entered into the system after it is scanned"); and

a retrieval module coupled to the data warehouse for retrieving the one or more customer vehicle attributes stored in the data warehouse based upon an electronic request, integrating the one or more customer vehicle attributes on a VIN-specific level across the two or more computer systems to obtain one or more VIN-specific customer vehicle attributes, and facilitating management of a relationship between a customer and a service or product provider based on the one or more VIN-specific customer vehicle attributes, wherein one of the two or more computer systems is the marketing offer system, and further comprising the marketing offer system generating and transmitting materials based on the one or more VIN-specific customer vehicle attributes (paragraphs 44, 54, and 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service

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date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle" and "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners..." and "The vehicle information preferably contains information such as the make and date, model, vehicle identification number, license number, mileage and other information as necessary." and where "service reminder" is interpreted as "advertising materials"; Examiner interprets advertising materials as materials which attract attention to a product or business and by sending a service reminder, attention is being attracted to the business).

Jones discloses a system for managing all functions required by an automobile dealership, including servicing and managing vehicles. Jones does not disclose where the materials are customization offers regarding customer vehicle personalization and vehicle accessories.

Anderson teaches a similar system for managing vehicle history and personalization. Anderson teaches where the materials are customization offers regarding customer vehicle personalization and vehicle accessories (paragraph 35; "Vehicle interior products link 610 may provide access to vehicle interior product, including but not limited to, the vehicles

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original equipment, original equipment options, accessories, etc. A vehicle exterior products link 620 is provided to access vehicle exterior products.”)

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Jones to incorporate discloses where the materials are customization offers regarding customer vehicle personalization and vehicle accessories as taught by Anderson because this would provide a manner for providing customized offers specific to the client’s vehicle, thus aiding the client by only providing the client with parts appropriate for the client’s vehicle.

Referring to claim 28:

Jones discloses

means for receiving one or more customer vehicle attributes from two or more computer systems selected from the group consisting of: a service appointment system, a dealer management system, a marketing offer system, an accessory system, a vehicle inspection system, a follow-up system, and a concern resolution system (paragraphs 3-4; “an integrated software application architecture with all functions required by an automobile dealership, including sales, F&I (finance and insurance), accounting, HR (Human Resources)/payroll, parts, service, and

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E.sup.2 core (including functions in customer management, vehicle management, activity/processors, roles, user/departments, security, user interface, reports, printing, and instant messaging), together with e-business enablers, supply chain integration, and a dealer communication system");

means for storing the one or more customer vehicle attributes into a data warehouse (paragraph 64; "The mobile unit preferably includes means to pass information to the central database so that the vehicle is entered into the system after it is scanned"); and

means for transmitting the one or more customer vehicle attributes stored in the data warehouse based upon an electronic request, wherein integrating the one or more customer vehicle attributes on a VIN-specific level are integrated across the two or more computer systems to obtain one or more VIN-specific customer vehicle attributes, and facilitating facilitate management of a relationship between a customer and a service or product provider based on the one or more VIN-specific customer vehicle attributes, wherein one of the two or more computer systems is the marketing offer system, and further comprising the marketing offer system generating and transmitting materials based on the one or more VIN-specific customer vehicle attributes (paragraphs 44, 54, and 64; "These units may be used,

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for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle" and "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners..." and "The vehicle information preferably contains information such as the make and date, model, vehicle identification number, license number, mileage and other information as necessary." and where "service reminder" is interpreted as "advertising materials"; Examiner interprets advertising materials as materials which attract attention to a product or business and by sending a service reminder, attention is being attracted to the business).

Jones discloses a system for managing all functions required by an automobile dealership, including servicing and managing vehicles. Jones does not disclose where the materials are customization offers regarding customer vehicle personalization and vehicle accessories.

Anderson teaches a similar system for managing vehicle history and personalization. Anderson teaches where the materials are customization offers regarding customer vehicle personalization and vehicle accessories (paragraph 35; "Vehicle interior products link 610 may provide access to vehicle interior product, including but not limited to, the vehicles original equipment, original equipment options, accessories, etc. A vehicle exterior products link 620 is provided to access vehicle exterior products.")

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Jones to incorporate discloses where the materials are customization offers regarding customer vehicle personalization and vehicle accessories as taught by Anderson because this would provide a manner for providing customized offers specific to the client's vehicle, thus aiding the client by only providing the client with parts appropriate for the client's vehicle.

1. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 20020024537), in view of Anderson et al. (US 20020091706), and further in view of Nelson (US 6922674).

Referring to claim 20:

Jones discloses a system for managing all functions required by an automobile dealership, including servicing and managing vehicles. Anderson teaches a similar system for managing vehicle history and personalization. Jones and Anderson do not disclose dealerizing the one or more VIN-specific customer vehicle attributes.

Nelson teaches a similar system for incorporating a list of aftermarket accessories appropriate for a selected vehicle model into a purchase request of the vehicle. Nelson teaches dealerizing the one or more VIN-specific customer vehicle attributes (col. 11, lines 47-50; "...the system may match this potential buyer with an exclusive seller designated to service buyers from that buyer's geographic area").

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Jones and Anderson to incorporate dealerizing the one or more VIN-specific customer vehicle attributes as taught by Nelson because this would provide a way to maximize customer satisfaction by facilitating the customer's receipt of prompt and accurate information about a vehicle from a dealer near the customer's location.

2. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 20020024537), in view of

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Anderson et al. (US 20020091706), and further in view of Gaito (US 20030171942).

Referring to claim 21:

Jones discloses where the data is one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

Jones discloses a system for managing all functions required by an automobile dealership, including servicing and managing vehicles. Anderson teaches a similar system for managing vehicle history and personalization. Jones and Anderson do not disclose deduplicating the data.

Gaito teaches a similar system for managing contacts. Gaito teaches deduplicating the data (paragraph 39).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the system disclosed in Jones and Anderson to incorporate

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deduplicating the data as taught by Gaito because this would provide a way to facilitate managing the data stored in the database.

Referring to claim 22:

Jones discloses where the data is one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

Gaito teaches cleansing the data (paragraph 39).

Referring to claim 23:

Jones discloses where the data is one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent

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service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

Gaito teaches comprising merging and purging the data (paragraphs 9 & 39).

Referring to claim 24:

Jones discloses where the data is one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

Gaito teaches conducting a national change of address analysis on the data (paragraph 42).

Response to Arguments

Applicant's arguments with respect to the rejections under 35 USC 112 have been considered but are not persuasive. Applicant points to several items in the specification that could be the "means for" referred to in the claims. However,

the specification does not state that the items pointed to are the structure being referred to for the functions provided. In other words, there is not an adequate disclosure showing what is meant by the "means for" language.

"If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." In re Donaldson Co., 16 F.3d 1189, 1195, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994) (in banc). See MPEP 2181.

As to applicant's arguments with respect to the rejections under 35 USC 102 and 35 USC 103, Examiner has fully considered these arguments; however, Examiner has presented new grounds of rejection based on applicant's amendment, which renders these arguments moot.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 8:00 a.m. - 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/
Examiner, Art Unit 3689

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689